

IV. IN THE DRAWINGS:

The attached sheets of drawings include changes to Fig. 1. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 1. In Fig. 1, the dashed line from 2a has been replaced with a solid line.

Attachment: Replacement Sheet

V. REMARKS/ARGUMENTS

A. Status of the Claims

Claims 2-22 and 24-25 are pending in the application. Claims 1 and 23 have been canceled, without prejudice. Claims 24 and 25 has been added. Claims 2, 3, and 5-8 have been amended. No new matter is introduced by these amendments, and these amendments are fully supported by the specification.

Clams 3-4, 6, 8, and 23 stand rejected by the Examiner. Claims 2, 5, 7 and 9-22 are withdrawn from consideration. Applicant respectfully request reconsideration of the rejections of claims 2-22 and 24-25 for at least the reasons set forth below.

B. Amendments to the Specification

Applicant has amended the specification to provide a more accurate description of Fig. 1.

C. Amendments to the Drawings

Figure 1 stands objected to for including a dashed line that should be a solid line. In response, Applicant has amended Fig. 1 in accordance with the Office Action's requirement.

D. Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-4, 6, 8, and 23 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.K. Patent Application No. 2 292 067A to Johnson *et al.* ("Johnson"). With regard to claims 1 and 23,¹ the Office Action asserts that, referring to Johnson,

... the garment is 20, the waist regions are 40 and 38, the chassis is at least 22, the core is 26, the tab is 90 and 44, the dead zone is 98, the first elastic zone is between 40 and 98 and the second elastic regions is on the opposite side of 98, the gripping zone is at least a portion of 44 (it is noted that the

¹ Applicant has cancelled independent claims 1 and 23, without prejudice, and has added new claims 24 and 25 in order to more particularly point out and distinctly claim the subject matter that which Applicant regards as the invention. Thus, this rejection will be discussed with regard to new claims 24 and 25.

claim language "attached" includes both direct and indirect attachment. The stretch resistance of the first zone is at least as great as that of the second zone since they are formed of the same elastic material. The dead zone, i.e. the stress beam section 98, is explicitly disclosed as being formed of nonelastic material or densified or embossed portions of the side panel, i.e. stiffer than the portions forming the elastic zones. It is the Examiner's first position that the Johnson reference explicitly teaches a "dead zone" having more stretch resistance than the elastic zones. In any case, the Examiner's second position, the factual evidence of the composition of the stress beam sections is sufficient for one to conclude that the stress beam section of Johnson inherently has more stretch resistance than the elastic zones

Office Action, page 4. Applicant respectfully disagree.

In order for a claim to be anticipated by a reference, that reference must disclose each and every element of the claimed invention. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."); *see also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim."). New independent claim 24 recites:

A fastener tab for an absorbent garment having longitudinally opposite waist regions when laid flat, the fastener tab comprising:

- a tab chassis attached to one of the waist regions of the garment;
- a dead zone attached to and located substantially in a central region of the tab chassis;
- a gripping zone attached to and located substantially at an edge of the tab chassis;

wherein the dead zone divides the tab chassis into a first elastic region having a first stretch resistance and a second elastic region having a second stretch resistance,

the dead zone has substantially more stretch resistance than the first and second elastic regions, and

the first stretch resistance is at least as great as the second stretch resistance.

Appl'n, Claim 24.² Referring to Figs. 8/9 and 10/11 of Johnson, Johnson does not disclose the claimed elements. Specifically, Johnson does not disclose the claimed "tab chassis." Instead, Johnson discloses two distinct elements, namely side panel 90 and fastening tab 44. According to Johnson, side panel 90 "can be composed of a substantially elastomeric material", Johnson, Page 20, l. 28, while fastening tab 44 does not appear to have any elastomeric properties. Thus, contrary to the Office Action's assertion, these two distinct elements cannot properly be considered to be one element, namely the claimed "tab chassis." See Office Action, Page 4.

Moreover, Johnson does not disclose the claimed "gripping zone attached to and located substantially at an edge of the tab chassis." As discussed above, fastening tab 44 cannot properly be considered to be part of the tab chassis. Thus, primary adhesive 54 is not "located substantially at an edge of the tab chassis" as claimed. Therefore, Applicant respectfully requests that claim 24, as well as the claims dependent therefrom, pass to allowance.

² New independent claim 25 recites similar limitations.

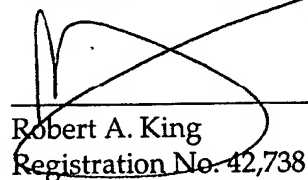
VI. CONCLUSION

Applicant respectfully submits that the application is in condition for allowance. Applicant believes that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206. Should any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,
HUNTON & WILLIAMS LLP

Dated: July 28, 2005

By:


Robert A. King
Registration No. 42,738

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(703) 714-7627 - direct
(703) 714-7410 - fax